

Cas

**UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA**

JOSEPH K. PEREZ; CRUZ F.
HERNANDEZ; and AMBROSIA M.
HERNANDEZ,

Plaintiffs,

vs.

FIRST AMERICAN LOANSTAR
TRUSTEE SERVICES, AMERICA'S
SERVICING COMPANY; and does 1-
50, inclusive,

Defendants.

Case No. CV08-8257 R (Ex)
Hon. Manuel L. Real
Courtroom 8 – Spring Street

~~PROPOSED~~ JUDGMENT

Complaint filed: November 12, 2008

The motion of Defendant Wells Fargo Bank, N.A. dba America's Servicing Company (erroneously sued as America's Servicing Company) ("Wells Fargo") to dismiss the complaint of Plaintiffs Joseph K. Perez, Cruz F. Hernandez and Ambrosia M. Hernandez pursuant to Federal Rule of Civil Procedure 12(b)(6) and 12(e) for failure to state a claim upon which relief can be granted came on regularly for hearing on March 23, 2009 at 10:00 a.m. before the Honorable Manuel L. Real. Jarlath M. Curran, II of the Law Firm of Severson & Werson appeared on behalf of Defendant Wells Fargo. There were no appearances by or on behalf of Plaintiffs. All other appearances are noted on the record.

1 After considering the moving papers as well as all opposition papers, if any,
2 and good cause appearing:

3 **IT IS HEREBY ORDERED, ADJUDGED AND DECREED** that Wells
4 Fargo's motion to dismiss is granted.

5 **IT IS FURTHER ORDERED, ADJUDGED AND DECREED** that
6 Plaintiffs' complaint is dismissed with prejudice as to Wells Fargo Bank, N.A. dba
7 America's Servicing Company (erroneously sued as America's Servicing
8 Company). Plaintiffs are to recover nothing from Wells Fargo.

9 **IT IS FURTHER ORDERED, ADJUDGED AND DECREED** that MW
10 Roth PLC and or Mitchell Roth, jointly and severally, shall reimburse Plaintiffs any
11 monies paid to file or pursue this lawsuit.

12 **IT IS FURTHER ORDERED, ADJUDGED AND DECREED** that MW
13 Roth PLC and or Mitchell Roth, jointly and severally, shall pay Wells Fargo the
14 sum of \$3,233.07, which constitutes the attorney's fees and costs incurred by Wells
15 Fargo in defending this action.

16
17
18 DATED: June 1, 2009


HONORABLE MANUEL L. REAL